# A-6448 Special Permit Request

Construct a driveway on private property that would measure a maximum of twenty-seven feet, nine and one-half (27'-9 ½") inches in width.

Ms. Ann Pelham Cullen & Mr. Robert Cullen 117 East Melrose Street

## CHEVY CHASE VILLAGE BOARD OF MANAGERS NOVEMBER 13, 2013 MEETING

#### STAFF INFORMATION REPORT

TO:

**BOARD OF MANAGERS** 

FROM:

ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE:

11/7/2013

SUBJECT:

HEARING OF CASE NO. A-6448 SPECIAL PERMIT REQUEST

MS. ANN PELHAM CULLEN AND MR. ROBERT CULLEN, 117 EAST MELROSE STREET

CONSTRUCT A DRIVEWAY ON PRIVATE PROPERTY THAT WOULD MEASURE A MAXIMUM OF

TWENTY-SEVEN FEET, NINE AND ONE-HALF INCHES (27'-9 1/2") IN WIDTH.

Case Synopsis: The Applicants currently have a garage that is attached to the main house and is accessed from the rear yard by an asphalt driveway, a portion of which is shared with the abutting property to the west, 115 East Melrose Street. The Applicants have undertaken a renovation project that entails converting the existing garage into a family room, and constructing a new detached garage in the rear yard of the property. The driveway and garage apron as proposed are compliant with Village regulations, however the Applicants also wishes to construct a parking pad adjacent to the main house and, therefore, request a special permit to construct a driveway that exceeds fifteen feet in width on private property.

An important aspect of the applicants' submission is that because the driveway is shared, the portion on the Applicants property measures four feet, six inches (4'-6") in width, whereas by Code the driveway is permitted to be as wide as fifteen (15) feet on private property. The Applicants contend that the total proposed paved area is less than if a fifteen (15) foot wide driveway were installed between the front property line and the proposed garage. A drainage plan has been prepared in conjunction with the overall renovation (submitted herein for the record) and no stormwater will be directed to adjacent properties.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

### APPLICABLE CHEVY CHASE BUILDING REGULATION:

## The Chevy Chase Village Code § 8-26 states:

Any driveway on private property may not exceed fifteen (15) feet in width without a special permit from the Board of Managers, except that the apron in front of a two-car garage may extend the full width of the two-car garage, provided that such apron does not exceed twenty (20) feet in length.

## APPLICABLE COVENANTS:

Not applicable; verification of compliance with the property's covenants is not required for Special Permit requests authorized by Sections 8-22 [fences], 8-26 [driveways] or Chapter 25 [Public Rights-of-Way] of the Village Code.

#### FACTUAL AND BACKGROUND INFORMATION:

The property is on the north side of the East Melrose Street cul-de-sac.

The existing asphalt driveway is shared with the abutting property to the west, 115 East Melrose Street. The width on each of the two properties is four feet, six inches (4'-6") for a total width of nine (9) feet. Both properties have garages that are accessed from the rear yard and both existing driveways exceed the allowable width in the rear yard due to the turn-around area for access to the rear-facing garages. The proposed driveway will be constructed of concrete.



Figure 1: View of the shared driveway between 115 (to the left) and 117 (to the right) East Melrose Street. The approximate location of the property line (added here as a yellow dashed line) runs down the middle of the driveway.



Figure 2: View of the existing driveway in the rear yard of the Subject Property.

The abutting neighbor at 115 East Melrose Street has filed an application to replace their portion of the driveway in the same footprint as the existing, which is being processed as an administrative special permit.



Figure 3: View of the existing garage, to be converted to a Family Room, and the existing garage apron.



Figure 4: View of the driveway looking back toward East Melrose Street.

The proposed parking pad was initially proposed to be constructed of grass-filled cells, however after researching the material it was determined, according to the architect for the Applicants, that grass-filled cells do not stand up well to the daily traffic that the proposed parking pad is anticipated to receive. The Applicants thus decided to request a special permit to construct the proposed parking pad out of concrete.

The renovation and addition as proposed are compliant with all other applicable Village building regulations.

The Village arborist has assessed the property. There are no tree protection concerns related to the construction of the driveway or garage.

Applicable Fees: Building Permit Application: \$30; Special Permit Application Fee: \$300; TOTAL: \$330.

#### RELEVANT PRECEDENTS:

Many precedents for special permits related to driveways have been requests either for circular driveways or for driveways that would exceed the width of the apron abutting the garage. Many other cases were for replacement of non-compliant driveways, which can now be processed as an administrative special permit (as the request at 115 East Melrose Street will be). In this case most of the driveway is compliant and the requested parking pad is not immediately adjacent to the garage apron. The most similar precedent would be that on June 13, 1994 Mr. and Mrs. David Winstead of 5505 Kirkside Drive were granted permission to construct a parking pad measuring 11' x 17'. Other precedents include: On October 24, 1994 Mr. and Mrs. Charles Crisman, Jr. of 20 West Kirke Street were granted permission to construct a "turnaround" measuring 26' x 29' as part of a new driveway. On September 11, 1995 Brian Smith and Donna Holverson of 35 West Lenox Street failed to obtain four affirmative votes for a "carriage court" measuring 20' x 20'. On June 3, 1996 Mr. and Mrs. William S. Janes of 9 West Lenox Street, were granted a special permit to install a "turnaround" measuring a maximum of approximately 44' in front a new two-car garage. (Subsequent purchasers of the property, Mr. and Mrs. Steven Conley, returned to the Board for additional expansion of the driveway in 2007 and 2010- see below). On July 8, 1996 Mr. Jeff Foster and Ms. Candice Will of 4109 Oliver Street were granted a special permit to relocate a triangular portion of their parking pad so as to create a rectangular parking pad of approximately 25' x 20'. On November 9, 1999, Ms. Susan Gallagher and Mr. Michael Williams were granted permission to expand an existing driveway an additional fifteen (15) feet, increasing the total width of the driveway to forty-five (45) feet at the property line (this abuts Brookville Road and the area effectively acts as a parking pad). On July 20, 2006 Mr. and Mrs. Z.G Diznab of 142 Hesketh Street were granted a special permit to replace and widen an existing concrete driveway which would have a total maximum width of 25' at the entrance to a three-car garage. On April 19, 2007 Mr. Dane Butswinkas and Ms. Megan Rupp of 3 Newlands Street were granted a special permit to construct a garage apron, a portion of which would measure a maximum of 30'-9" in front of an existing two-car garage. In December 2007 and September 2010, Mr. & Mrs. Stephen C. Conley of 9 West Lenox Street were granted a special permit to replace and expand an existing gravel driveway with a paver driveway. The proposed apron and turnaround area would be located on private property and would have a maximum width of fifty-four (54) feet. In June of 2012, Mr. and Mrs. Tony Schall of 103 Grafton Street were granted permission to replace [and expand] an existing asphalt and concrete driveway with a wider cobblestone driveway that would measure a maximum of sixteen (16) feet in width in the front (south) yard of the property. (There is no garage at the property and the Applicant wanted to be able to park two cars in the driveway.) In July 2012, Mr. and Mrs. Thomas Conaghan of 5628 Western Avenue were granted a special permit to widen an existing concrete driveway that would measure a maximum of forty (40) feet in width in the rear (north) yard of the property. A portion of the existing driveway would be removed. (The property abuts Western Avenue, which has parking restrictions, hence the Applicants requested additional parking in the rear yard, accessed by the private alley.) In June of 2013 Mr. and Mrs. Peter Wellington of 18 West Lenox Street were granted permission to replace and widen an existing asphalt driveway, a portion of which would measure a maximum of twenty feet, three and one-half inches (20'-3 1/2") in width. (The Applicants requested the additional width in order to navigate the driveway to the detached garage at the rear of the property.)

#### FINDINGS REQUIRED:

- 1. The proposed special permit would not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties;
- 2. The proposed special permit can be granted without substantial impairment of the intent and purpose of this chapter; and
- 3. For all special permits, except for special permits authorized by Sections 8-22, 8-26 or Chapter 25 of the Village Code, the structure authorized by the proposed special permit would not violate any covenant applicable to the property [not applicable in this case].

### **Draft Motions**

I move to direct staff to draft a decision APPROVING/DENYING the special permit request in Case A-6448, to construct a driveway on private property that would measure a maximum of twenty-seven feet, nine and one-half inches (27'-9 ½") in width, based on the findings that ...

## CHEVY CHASE VILLAGE NOTICE OF PUBLIC HEARING

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 13<sup>th</sup> day of November, 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

APPEAL NUMBER A-6448
Ms. Ann Pelham Cullen &
Mr. Robert Cullen
117 East Melrose Street
Chevy Chase, Maryland 20815

The applicants have filed a request for a special permit pursuant to Section 8-11 of the Chevy Chase Village Code to construct a driveway on private property that would measure a maximum of twenty-seven feet, nine and one-half inches (27'-9 ½") in width.

## The Chevy Chase Village Code § 8-26 states:

Any driveway on private property may not exceed fifteen (15) feet in width without a special permit from the Board of Managers, except that the apron in front of a two-car garage may extend the full width of the two-car garage, provided that such apron does not exceed twenty (20) feet in length.

Additional information regarding this case may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was emailed (where possible) and mailed to abutting and confronting property owners on the 30<sup>th</sup> day of October, 2013.

Chevy Chase Village Office 5906 Connecticut Avenue Chevy Chase, Maryland 20815 301-654-7300

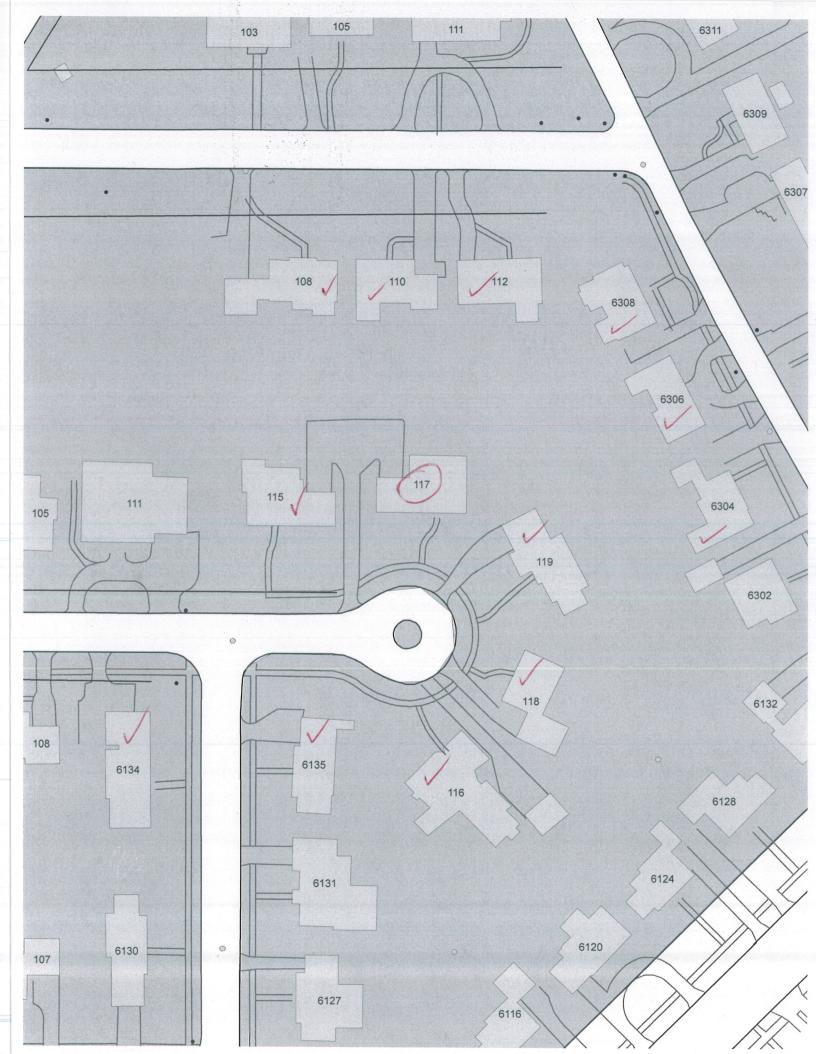
## MAILING LIST FOR APPEAL A-6448

Ms. Ann Pelham Cullen & Mr. Robert Cullen 117 East Melrose Street Chevy Chase, MD 20815

Mr. Richard Ruda	Ms. Sara G. Dash	
Or Current Resident	Or Current Resident	
108 Newlands Street	110 Newlands Street	
Chevy Chase, MD 20815	Chevy Chase, MD 20815	
Mr. & Mrs. R. Michael Sweeney	Mr. & Mrs. Marc L. Fleischaker	
Or Current Resident	Or Current Resident	
112 Newlands Street	6308 Broad Branch Road	
Chevy Chase, MD 20815	Chevy Chase, MD 20815	
Ms. Mary B. Barton &	Ms. Melissa M. Turner &	
Ms. Beth Biegelson	Mr. Karl Eric De Jonge	
Or Current Resident	Or Current Resident	
6306 Broad Branch Road	6304 Broad Branch Road Chevy Chase, MD 20815  Mr. & Mrs. Kelly Kramer Or Current Resident 119 East Melrose Street Chevy Chase, MD 20815  Ms. Darlene M. Trandel & Mr. Keith M. Korenchuk	
Chevy Chase, MD 20815		
Mr. & Mrs. Patrick O'Brien		
Or Current Resident		
115 East Melrose Street		
Chevy Chase, MD 20815		
Mr. & Mrs. Philip R. Bevan		
Or Current Resident		
118 East Melrose Street	Or Current Resident	
Chevy Chase, MD 20815	116 East Melrose Street	
	Chevy Chase, MD 20815	
Mr. & Mrs. Benjamin Rippeon	Mr. & Mrs. Jose Rodriguez	
Or Current Resident	Or Current Resident	
6134 Nevada Avenue	6135 Nevada Avenue	
Chevy Chase, MD 20815	Chevy Chase, MD 20815	

I hereby certify that a public notice was mailed to the aforementioned property owners on the 30<sup>th</sup> day of October, 2013.

Ellen Sands Permitting and Code Enforcement Coordinator Chevy Chase Village 5906 Connecticut Avenue Chevy Chase, MD 20815





October 30, 2013

Ms. Ann Pelham Cullen & Mr. Robert Cullen 117 East Melrose Street Chevy Chase, MD 20815

Dear Mr. & Mrs. Cullen:

Please note that your request for a special permit to construct a driveway that exceeds fifteen (15) feet in width at your property is scheduled before the Board of Managers on Wednesday, November 13, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

Should the Board approve your request for a special permit to construct the proposed work, all applicable permits from the Village and Montgomery County must be obtained prior to commencing the work. For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands

Permitting and Code Enforcement

Chevy Chase Village

**Enclosures** 

# Chevy Chase Village

# **Building Permit Application for**

Permit No: 6448
Property Address: 17 EAST MELROSE STREET
Resident Name: ANN PELIAM & POBERT COLLEN  Daytime telephone: (301) 652 - 3723 Cell phone:  After-hours telephone:
E-mail: RRULLENCYX400. COM ANN. PELIFAM @ GMATL.COM
Primary Contact for Project:  Resident Architect Project Manager Contractor*  *MHIC/MD Contractor's License No. (required):
Primary Contact Information:
Name: LUKE OLSON  Daytime telephone: (20) 333-2021 After-hours telephone:  E-mail: LOLSON @ CATMARCHITECTS . COM
Check all that apply:
Driveway (If a new curb cut is required, note additional fee.)  Walkway  Patio, terrace, or deck at grade
Check all appropriate boxes:
Feature is: new
an enlargement of an existing feature; and/or being relocated.
Feature is a replacement in-kind and in the same location.
Description of project: New paris in rear yard & affection of exalty divewy to serve new garage & proude parties pad.
To be completed by Village staff:  Is this property within the historic district? Yes   Date application filed with Village: 10 2 3 Date permit issued:  Expiration date:

## Guidelines for Building, Replacing and Maintaining Driveways

Village Code states that any person intending to install, replace or alter a driveway, or any material part thereof, must first obtain a Building Permit from the Village office. (Residents within the Historic District must also obtain a Historic Area Work Permit; please contact the Historic Preservation Commission directly.)

Driveways are regulated in three areas: (1) the portion of the driveway located on private property, (2) the portion of the driveway that crosses the public right-of-way, and (3) the driveway apron, which is the portion of the driveway that meets the public street. Please refer to the illustration below for an example of these components.

(1) Driveways on Private Property

Driveways on private property may be installed using any material the resident chooses (although residents within the Historic District must consult with HPC), provided that the driveway does not exceed fifteen feet (15') in width. Village Code allows residents to install a wider garage apron—the section of a driveway just forward of a garage—for two-car garages. The apron in front of a two-car garage may extend the full width of the two-car garage for a distance up to twenty feet (20') from the face of the garage. The Code applies this accommodation only for two-car garages.

(2) Driveways on the Public Right-of-Way

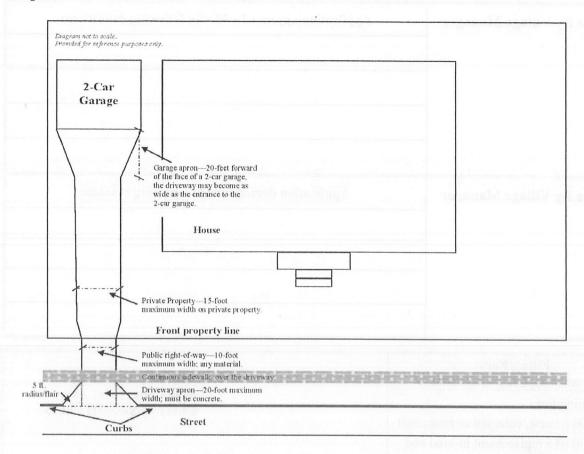
All driveways must cross the public right-of-way to access the street, but where private property ends and the public right-of-way begins ends is not always consistent from street to street, and may even vary from block to block (as discussed above). The first step is to determine where the right-of-way begins in front of your property. Your proposed driveway cannot exceed ten feet (10') in width where the driveway crosses the right-of-way. Also, if your driveway (whether new or replacement) crosses or intersects with a public sidewalk, the sidewalk material must be restored/maintained across the driveway so as to create a continuous public sidewalk of consistent material type.

(3) Driveway Aprons

The driveway apron is the portion of the driveway that meets the public street. In addition to the ten foot (10') maximum width of the driveway where the driveway crosses the public right-of-way, the Village Code allows a five foot (5') radius on either side to establish the driveway apron, thereby allowing a maximum width at the curb of twenty feet (20'). While driveways on private property may be installed in any material or color that residents choose, the Village Code specifies that the driveway apron must be installed using concrete in accordance with current Montgomery County standards. Thus, no matter the material used for the driveway itself, the apron must be concrete.

Village Code limits the number of curb cuts permitted per property to one. Accordingly, residents who wish to install a circular driveway will need to request a variance from the Board of Managers.

Unlike other improvements in the public right-of-way, a License to Use the Public Right-of-Way is not required to install or replace driveways or driveway aprons. Replacement of a driveway apron is the sole responsibility of the adjoining property owner, not the Village.



# **Building Permit Application Filing Requirements**

Application will not be reviewed until the application is complete

	Copy of stamped approved plans from Montgomery County.
	This application form, signed by resident.
	Boundary Survey
	Site Plan (see: Village Site Plan Checklist to ensure completeness) showing exact location of existing and
150	proposed features.
	Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All
	required tree protections must be fully installed before any work begins.
	Filing Fee (due at time of application). Fee schedule is listed in Chapter 6 of the Village Code.
	Damage deposit or performance bond (due when permit is issued). Amount will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days. If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed. No signs advertising any service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: Com Pelham Calles Date: 10/17/13

Earling Dy Village Manager	
For Use By Village Manager	Application approved with the following conditions:
For Use By Village Manager	Application denied for the following reasons:
ENIE	Dangerbur
OCT 2 2 2013	maximum allowed hidtur
Chew Chase	maximum allowed hidtur
Village Manager	private property.
Filing Fees (due when application submitted Permit Filing Fee:  \$\sqrt{1}\$ \$30.00 (if new, enlarged or reloce)	5906 Connecticut Ave.
\$15.00 (if a replacement in-kind in the same location)  \$50.00 for new curb cut.  \$50.00 for construction in the Purill Right-of-Way.	and y
Tree Preservation Plan Fee:  \$\sum \\$250.00    \text{Sed}    \text{V}  \text{Not required for this project}	ldg. permit
TOTAL Fees:	Date: 10/23/17 Staff Signature: Allerback
	ond Date:

# **Chevy Chase Village**

# **Application for a Special Permit**

Chevy Chase Village Code Section 8-1(aa) defines a Special Permit as permission granted by the Board of Managers in accordance with Article II Division B of this Chapter [8], to construct, install, remove or alter a structure or planting, or take other action where such permission is required by this Chapter.

Describe the basis for the special permit request (attach additional pages as needed):

Describe the reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of adioining properties:

SEE ATTACHED

Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled Buildings and Building Regulations:

SEE ATTACHED

In exercising its powers in connection with a special permit request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Special Permit Filing Fees	Checks Payable To:	Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
\$300.00 for new construction.  \$150.00 for replacing existing non- conformities.  \$2,250.00 for demolition of main building.  \$300.00 for demolition of accessory building or structure.  \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way.  Fee Paid:	Date Paid: 10/23/13 Staff Signature: Here	Jana
	Approved to Issue Building Signed by the Board Secreta  Date:  Signature: Village Manager	ry on:

Describe the reason why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of the adjoining property:

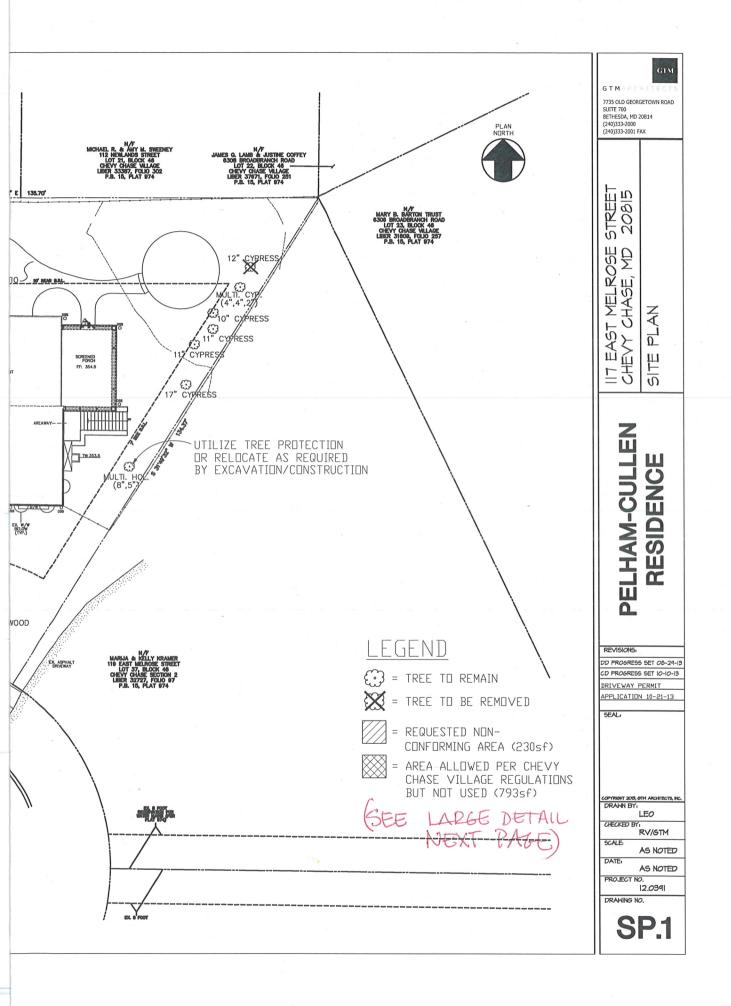
The requested non-conforming parking space is not visible from the street and does not block vistas. It will not restrict air circulation or adversely affect the O'Briens use and enjoyment of their property at 115 East Melrose. It does not adversely change the character of the property or create unsafe conditions. It will not negatively affect the management of stormwater on-site.

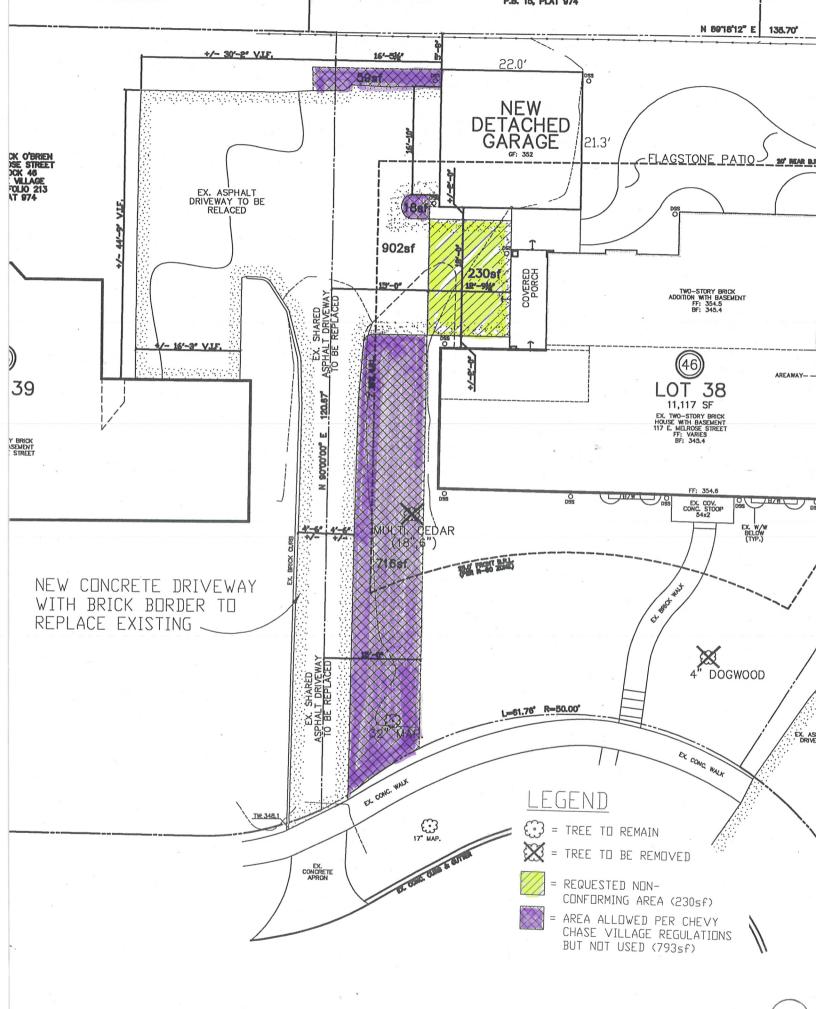
Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

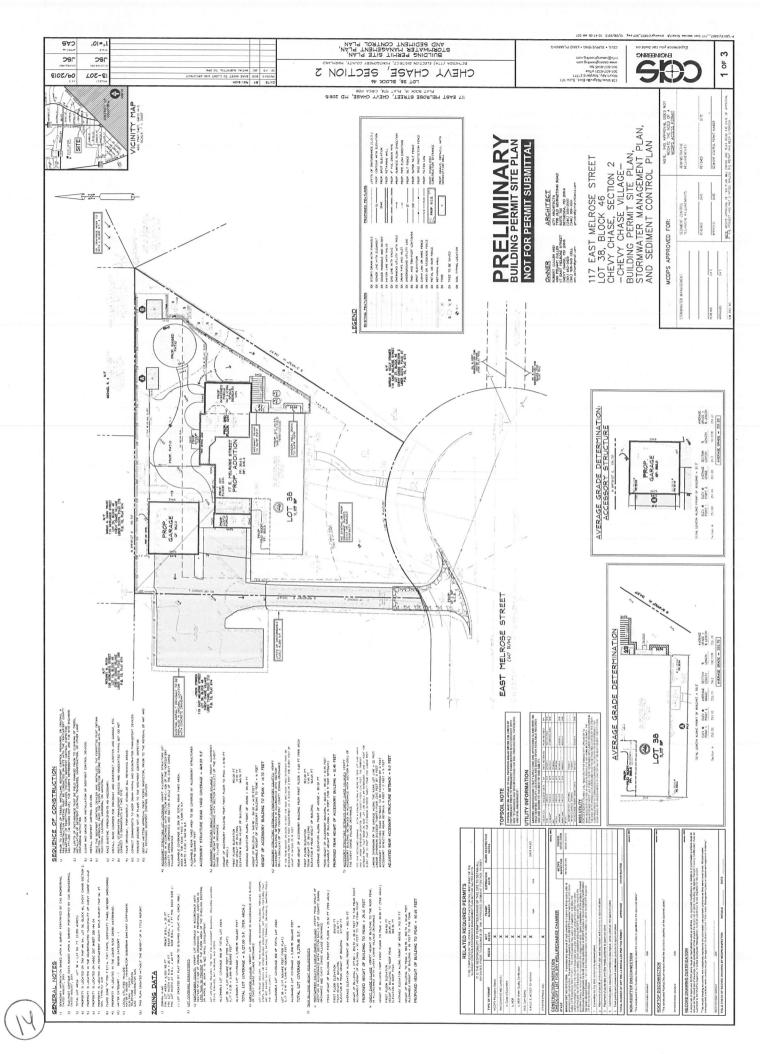
As shown in the site plan, the total proposed driving/parking surface is much less than what would be allowable by Chevy Chase Village code if we were to install a typical driveway and garage apron on the lot. The existing property shares a driveway with the neighboring lot at 115 East Melrose, and as such uses only a portion of the allowable 15' driveway width. The proposed garage apron is also smaller than what is allowable by code.

Since the driveway is shared, Bob and Ann cannot park in the driveway without blocking access to the O'Briens garage and parking area. The property is also located in a small cul-de-sac where street parking is limited. Bob and Ann would like to provide off-street parking for themselves or guests that will not block the driveway.

CONTRACTOR SP.1 **BESIDENCE** SITE PLAN II7 EAST MELROSE STREET CHEVY CHASE, MD 20815 PELHAM-CULLEN ☼ = TREE TO REMAIN
X = TREE TO BE REMOVED PP\_dAN C ASPAR ₩., Charles Wild Averaged EAST MELROSE STREET (60 R/W) N/F SARAH C. DASH TRUST LOT SE, BLOCK 46 LOTY CHARGE MLLACE LIBER 32076, FOLIO 278 P.B. 13, PLAT 974 NEW DETACHED GARAGE  $\bigcirc_{\sharp}^{\underline{1}}$ CONTRACTOR AS (46) LOT 39 Ch. Depusitive second House won absence: Hus a seniore fings: SITE PLAN







# **Chevy Chase Village**

# Website Posting Notice for Appeal, Special Permit & Variance Hearings

Case Number:		
Hearing Date:		
By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.</www.chevychasevillagemd.gov>		
Applicant/Appellant Name: ANN PELHAM CULLEN		
Address: 117 EAST MELROSE ST, CHEVY CHASE, MD		
Telephone:		
E-mail: ANN PELHAME GMATLCOM		
Applicant/Appellant Signature: Que Pelham Celle		
Agent Name for applicant/appellant (if necessary): LUKE OLSON		
Telephone: (240) 333-2021		
Address: 7735 OLD GEORGETOWN RO SWITE TOU RETHESDA MD 20814		
E-mail: LOLSON @ GTMARCHITECTS. COM		
Signature of agent:		
Village staff initials: 95 Date: 10/23/13		